

Summaries of Rules

Amendments to the California Rules of Court, Effective July 1, 2002, and January 1, 2003

Civil and Small Claims

Rules 4, 5.1, 12.5, 1810, 6.655, 6.702, and 6.800 (Miscellaneous technical changes). These amendments correct minor errors resulting from changes in statutes and inadvertent omissions.

Rules 243.5, 243.6, 243.7, and 243.8 (False claims actions). Under the False Claims Act, the complaint and other papers submitted early in the case must be filed under seal by operation of law. But litigants and the courts are sometimes unfamiliar with, or uncertain about, the proper procedures for handling filings in such cases. As a result, there have been problems with the inadvertent disclosure of confidential information. The new rules and a new form prescribe procedures for filing papers in False Claims Act cases. Courts should note that papers initially filed in False Claims Act cases must have a *Confidential Cover Sheet-False Claims Action* (form MC-060) affixed and must be kept under seal. The register of actions must include only the information contained on the cover sheets filed with the court. Also, in counties where filings are accepted in multiple locations, the presiding judge must designate one location where all False Claims Act cases must be filed. False Claims Act cases are not subject to the new rules on the service of pleadings and case management.

Rule 981 (Local rules: filing, distribution, and maintenance) (effective January 1, 2003). Rule 981 is amended to require that each superior court (1) file an electronic copy of local rule amendments with the Judicial Council, (2) certify whether the court posts local rules to the court's Web site, and (3) certify whether the court provides assistance to members of the public in accessing the Internet. The Administrative Office of the Courts will implement the rule by (1) developing a template for electronic rules format, (2) publishing a list of courts that have filed rules and amendments to rules with the Judicial Council, and (3) depositing paper copies of all 58 superior courts' local rules amendments with courts that certify that they do not provide assistance to members of the public in accessing the Internet.

Rules 1620, 1620.1, 1620.2, 1620.3, 1620.4, 1620.5, 1620.6, 1620.7, 1620.8, 1620.9, and 1622 (Standards of conduct for mediators in court-connected mediation programs for civil cases) (effective January 1, 2003). New rules 1620–1620.9 establish minimum standards of conduct for mediators in court-connected mediation programs for civil cases, and rule 1622 requires that courts

establish procedures for handling complaints concerning mediators who are on their lists or whom they recommend, select, appoint, or compensate.

Appendix to the California Rules of Court, division VI (Ethics standards for contractual arbitrators). Standards 1–15 implement Code of Civil Procedure section 1281.85, which requires the Judicial Council to adopt ethics standards for all neutral arbitrators serving in arbitrations pursuant to an arbitration agreement. Among other things, they address the disclosure of interests, relationships, or affiliations that may constitute conflicts of interest, the acceptance of gifts, the establishment of future professional relationships, ex-parte communication, fees, and marketing.

Family and Juvenile

Rules 1401, 1412, 1422, 1432, 1443, 1444, 1445, 1446, 1456, 1460, 1463, 1474, 1475, 1482, 1492, and 1493 (Technical changes to juvenile court rules). These amendments correct minor errors in rules and forms resulting from changes in statutes and inadvertent omissions.

Rule 1466 (Juvenile dependency: termination of dependency jurisdiction at the age of majority). Welfare and Institutions Code, section 391, directs courts to strive to promote the stability and security of dependent children who have reached the age of majority and for whom dependency jurisdiction is going to be terminated. The new rule and form (JV-365) implement subdivision (d) of this statute, which requires the Judicial Council to develop and implement standards and adopt appropriate forms to ensure that specific information and services are provided to the child. The information and services are related to housing, immigration status, health care, and education and/or vocational training.

Rule 1499 (Juvenile law: surrogate parent appointment process). Under Welfare and Institutions Code sections 361(a) and 726, the juvenile court may make an order specifically limiting a parent's or guardian's right to make educational decisions for a child. Under Government Code section 7579.5, a local educational agency (LEA) must appoint a surrogate parent for the child when the educational rights of a parent or guardian have been limited. The new rule and forms (JV-535 and JV-536) implement the limitation order and govern the surrogate parent appointment process.

Rule 1499.5 (Juvenile law: access to pupil records for truancy proceedings). Section 49076 of the Education Code provides that a school district is not authorized to allow any person access to pupil records without parental consent or judicial order. Section 49076(a)(10) was recently amended to permit the school

district to give access to pupil records to a judicial officer or probation officer upon written certification that the records are for use in truancy proceedings in the juvenile court. The new rule provides a procedure for judicial officers and probation officers to have access to pupil records for the purposes of truancy proceedings. New form JV-530 serves as the judicial officer's or probation officer's request for pupil records from the local educational agency (LEA). New form JV-531 serves as the response form for the LEA to complete and return with the requested records.

Judicial Administration

Rule 6.150 and section 3 of the Standards of Judicial Administration (Guidelines for the design of court facilities). New rule 6.150 of the California Rules of Court gives the AOC responsibility for the guidelines for the design of court facilities and requires courts to use those guidelines. The rule replaces section 3 of the California Standards of Judicial Administration.

Rule 6.609 (Role of subordinate judicial officers). New rule 6.609 establishes that the primary role of subordinate judicial officers is to perform subordinate judicial duties and provides that presiding judges may assign subordinate judicial officers to act as temporary judges when a shortage of judges makes it necessary.